

### **REMARKS**

In the Office Action mailed March 6, 2007, claim 3 was rejected under 35 U.S.C. § 112. Claims 3 and 10-12 were rejected under 35 U.S.C. § 103(a) over Pullen (U.S. Publication No. 200440064390) in view of Kauderer (U.S. Publication No. 20040172311 A1). Applicant respectfully traverses these rejections. In view of the current amendment, claims 3 and 10-12, as well as newly added claims 30-35, are pending.

#### **A. Telephone Interview**

Applicant and applicant's representative wish to thank Examiner Daye and her supervisor for their time during a telephone interview on May 9, 2007. During this interview, the participants discussed the distinctions between the claimed invention and the applied references, as well as distinctions between other technologies mentioned during the telephone interview (e.g., Monster.com).

For example, it was discussed that applicant's technology may function as a type of dictionary of occupational information containing a comprehensive body of information about occupations that exist in our society (as opposed to a listing and description of actual job openings). It was further discussed that applicant's claimed invention is associated with ensuring that this body of occupational information stays up to date, as new jobs come into existence/are recognized (e.g., there was no such thing as an "IT Specialist" 20 years ago).

To provide an illustrative example of possible uses for applicant's technology, applicant's representative gave the example of using the body of information to determine whether someone was eligible for disability pay (the Background section of applicant's Specification provides examples of other uses of the body of information). At the end of the interview, it was agreed that applicant would amend the claims to further clarify aspects of the claimed invention, and to address the Examiner's rejections under 35 U.S.C. § 112.

Applicant's representative agreed to point to support in the Specification for the claim amendments.

## **B. Amendments**

The preamble of claim 3 is amended to recite that the collection of occupational information includes "a collection of occupational titles and data measures for each of the occupational titles in the collection." One example of support in the Specification for this amendment is found in the Abstract.

The second claim element of claim 3 has been amended to recite that the claimed questionnaire forms are "accessible from the publicly available web site." One example of support in the Specification for this amendment is found at paragraphs [0119] and [0120]. In addition to the above amendment, applicant has deleted redundant claim language from the second element of claim 3.

The third claim element of claim 3 has been amended to recite "updating the collection of occupational information based on receiving a submission of a questionnaire form accessed from the publicly available web site and at least partially completed, wherein the questionnaire form does not specify a current or anticipated job opening, and wherein the updating includes either (a) adding a new occupational title and associated non-economic data measure information to the collection of occupational information or (b) modifying non-economic data measure information associated with an occupational title that already exists in the collection of occupational information." Some examples of support in the Specification for this amendment are found at paragraphs [011], [0112], [0118], [0121], and [0122] and Figures 15A, 15B, and 19. Applicant notes that the Specification distinguishes between salary data and worker measure information obtained from job analysis questionnaires (*see*, for example, paragraph 118, which lists both a job analysis questionnaire and salary survey services as separate information sources), as

well as distinguishing between job opening information and worker measures (*see, e.g.,* paragraph [0125]).

The first claim element of claim 10 has been amended to recite that the questionnaire is "a structured analysis questionnaire configured to obtain non-economic worker measure information for the specified occupation, and wherein the questionnaire is not configured for specifying job opening information." Some examples of support in the Specification for this amendment are found at paragraphs [011], [0112], [0118], [0121], and [0122] and Figures 15A, 15B, and 19. Applicant notes that the Specification distinguishes between salary data and worker measure information obtained from job analysis questionnaires (*see, for example, paragraph 118, which lists both a job analysis questionnaire and salary survey services as separate information sources*), as well as distinguishing between job opening information and worker measures (*see, e.g., paragraph [0125]*).

To address the Examiner's concern stated on page 3 of the March 6, 2007 Office Action, applicant has amended claim 12 to recite that the questionnaire is "pregraded to provide default answers for the specified occupation." An example of support in the Specification for this amendment is found at paragraph [0122].

Claims 30-32 are newly added dependent claims, which depend from claim 3. An example of support in the Specification for these new claims is found at paragraph [0069]. Claims 33-35 are newly added dependent claims, which depend from claim 10. An example of support in the Specification for these new claims is found at paragraphs [0069], [0121], and [0112], respectively.

### **C. Claim Rejections**

Applicant believes that the amendments to claim 3 address the rejection under 35 U.S.C. § 112. Accordingly, applicant respectfully requests that the 112 rejection be withdrawn.

Applicant respectfully traverses the rejections of claims 3 and 10-12 under 35 U.S.C. § 103(a). As discussed during the telephone interview on May 9, independent claims 3 and 10 now specify several elements that are not in the cited references, whether viewed alone or in combination. For example, none of the cited references discloses using a questionnaire as claimed by applicant. More specifically, Pullen describes allowing a user to submit survey data in the context of surveying and reporting wage and benefit information. However, this is not the same as applicant's use of a questionnaire, which is associated with updating non-economic worker/data measures in a collection of occupational information (e.g., job analysis questionnaires). Moreover, applicant's claimed techniques can be distinguished from techniques associated with collecting information to create on-line job postings (e.g., monster.com) as applicant's claimed questionnaires are not configured for specifying job opening information but, rather, are used for collecting job analysis input supplied by, for example, job analysts, job designers, job incumbents, etc.

### **D. Declaration Under 37 C.F.R. § 1.131**

Applicant submits herewith a Declaration under 37 C.F.R. § 1.131 for inventor Thomsen that establishes an invention date prior to Kauderer's February 24, 2003 filing date. The attached Declaration is seasonably presented, as it is submitted prior to a final rejection. MPEP 715.09. Accordingly, Kauderer is removed as a reference.

As explained in detail in the attached Declaration, the inventor believes he possessed either the whole invention as claimed in presently presented claims 3 and 10-12, or something fairly falling within the claims prior to February 24, 2003. The facts

presented in the Declaration carry with them any variations or adaptations that would have been obvious at the same time, to one of ordinary skill in the art. MPEP 715.02. Thus, despite any minor difference between the facts presented in the Declaration and the claims, the inventor believes he conceived of the claimed invention before Kauderer's filing date. Additionally, the inventor diligently reduced the invention to practice as he explained in the Declaration.

Should the Examiner wish to receive further information on the subject matter of the Declaration, the Examiner is encouraged to contact the undersigned representative, as she may be able to provide such information and answer any questions the Examiner may have. In view of the above amendment and remarks, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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